

REMARKS

As a result of the foregoing amendments, new Claims 21-30 have been added. Accordingly, Claims 1-30 are pending in this application, with Claims 13 and 15-20 having been withdrawn from consideration.

Applicant's attorney notes that independent Claim 1 has been rejected in the Office Action on the basis of prior art grounds. More particularly, Claim 1 has been rejected as being anticipated by U.S. Patent No. 6,056,771 to Proto ("the Proto Patent"). Claim 1 has also been rejected as being anticipated by U.S. Patent No. 1,558,037 to Morton ("the Morton Patent").

The present invention, as recited in independent Claim 1, relates to an armed suture comprising a needle with a hole formed therein and a suture inserted into the hole. As discussed in the specification and illustrated in Figures 1 and 2, the hole is formed in an end of the needle, and extends into the needle in a longitudinal direction. Furthermore, applicants' attorney notes that by the foregoing amendment, Claim 1 has been amended to clarify that the hole is a **blind hole** formed at one of the ends of the needle, and extends into the needle in a **longitudinal** direction.

The Proto Patent relied upon by the Examiner in the Office Action fails to disclose all of the elements of the novel armed suture recited in amended independent Claim 1. More particularly, and with reference to Figure 7, the Proto Patent discloses a needle (22) having a **through-hole** (32), which completely penetrates the body (24) of the needle at a point between the ends thereof. Furthermore, the through-hole of the Proto Patent is made **transversely** to the longitudinal axis of the needle. In such

circumstances, applicant's attorney respectfully submits that amended independent Claim 1 patentably distinguishes over the Proto Patent.

Claims 2-8 and 14 have also been rejected in the Office Action as being anticipated by the Proto Patent. Because these claims depend from amended independent Claim 1, applicant's attorney respectfully submits that Claims 2-8 and 14 also patentably distinguish over the Proto Patent.

Amended independent Claim 1 further recites an adhesive that bonds to the suture within the hole, and means within the hole for increasing the bond between the adhesive and the hole. As discussed in the specification, such bond increasing means may be a roughened portion of the hole wall (e.g., the sidewall) or a groove formed in the hole wall (see Figures 6 and 7).

The Morton Patent relied upon by the Examiner in the Office Action also fails to disclose all of the elements of the novel armed suture recited in amended independent Claim 1. More particularly, the Morton Patent discloses a needle (1) including a hole (2) having a bottom (second) diameter greater than its top (first) diameter. The Morton Patent also discloses an adhesive bonding. However, the Morton Patent does **not** disclose any means for increasing the bond between the adhesive and the hole. For instance, referring to Figures 2-4, the inner walls of the hole are illustrated as being smooth and uniform, without grooves formed therein or other bond increasing means. In such circumstances, applicant's attorney respectfully submits that amended independent Claim 1 patentably distinguishes over the Morton Patent.

Claims 9-12 have also been rejected in the Office Action as being anticipated by the Morton Patent. Because these claims depend from amended independent Claim 1, applicant's attorney respectfully submits that Claim 9-12 also patentably distinguish over the Morton Patent.

Applicant's attorney also notes that new Claims 21-30 have been added to the present application. Support for the new claims may be found in the specification as filed. In light of the addition of new Claims 21-30, the Examiner is authorized to charge \$500 in extra claim fees to Deposit Account No. 501561 for the ten (10) claims in excess of twenty (20).

In view of the foregoing amendments and remarks, applicant and his attorney respectfully request reexamination and allowance of Claims 1-12 and 14 and the examination and allowance of new Claims 21-30. If, however, such action cannot be taken, the Examiner is cordially invited to place a telephone call to applicant's attorney in order that any outstanding issue may be resolved without the issuance of a further Office Action.

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The accompanying Petition for a two-month extension of time authorizes the Examiner to charge the associated \$450 fee to Deposit Account No. 501561. If there are any additional fees due as a result of this Amendment, including extension

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and petition fees, the Examiner is hereby authorized to charge them to Deposit Account
No. 501561.

Respectfully Submitted,

GREENBERG TRAURIG, LLP

A handwritten signature in black ink, appearing to read "Ralph W. Selitto, Jr.", written over the printed name.

By: Ralph W. Selitto, Jr.
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